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ized inventory required by the clause did not show the quantity or kind of piece goods on hand or the different kinds of garments on hand, but showed garments, goods, and supplies on hand of a specified value. The items in the inventory fixed the number of overalls and coats and their value. There was a difference between the cost of coats and overalls. It also contained items of piece goods aggregating a specified number of yards, but insured could not tell where any of the goods came from, nor when received at the factory, nor which were denims and which drills. The books kept by insured did not show the amount, quality, or value of goods on hand at the time of a fire, and they were not kept in the iron safe. Held, that insured failed to substantially comply with the clause, defeating a recovery on the policy.

[Ed. Note.—For other cases, see Insurance, Cent. Dig. § 853; Dec. Dig. § 335.* 6 Va.-W. Va. Enc. Dig. 85. 14 Va.-W. Va. Enc. Dig. 447.]

4. Appeal and Error (§ 1175)—Disposition of Case on Appeal.—Where the trial court erroneously overruled a demurrer to the evidence when it should have rendered judgment for demurrant, the court on writ of error will reverse the judgment, and enter a proper judgment.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 4573-4587; Dec. Dig. § 1175.* 1 Va.-W. Va. Enc. Dig. 629.]

Error to Corporation Court of Lynchburg.

Action by the Virginia Shirt Company against the Scottish Union & National Insurance Company. There was a judgment for plaintiff, and defendant brings error. Reversed and rendered.

Phlegar & Powell and *A. T. Embrey*, for plaintiff in error.

Carter & Carter and *St. Geo. R. Fitzhugh*, for defendant in error.

WILLIAMSON *v.* TOWN OF GRAHAM.

March 22, 1912.

[74 S. E. 393.]

1. Municipal Corporations (§ 907*)—Validity of Statutes—Elections to Determine Bond Issues.—Code 1904, § 1038e, which authorizes elections to determine whether bonds shall be issued and provides the steps to be taken therein, is valid and constitutional, as within the power of the Legislature to enact.

[Ed. Note.—For other cases, see Municipal Corporations, Cent. Dig. § 1895; Dec. Dig. § 907.* 10 Va.-W. Va. Enc. Dig. 172.]

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

2. Municipal Corporations (§ 918*)—Bonds—Submission to Popular Vote—Form of Submission.—Code 1904, § 1038e, subsec. 6, provides that the town council or trustees shall, prior to an election to determine whether bonds shall be issued, have printed proper ballots, "upon which shall be stated the date of election and the amount of bond issue, and shall also have printed thereon, in separate lines, the words 'For bond issue' and the words 'Against bond issue.'" Held that, though money to be obtained from a bond issue was to be used for school, waterworks, sidewalks, and sewers, there is no requirement that such matters be segregated, so that voters may have an opportunity to vote on each expenditure, and ballots containing the entire amount of issue are proper.

[Ed. Note.—For other cases, see *Municipal Corporations*, Cent. Dig. §§ 1919-1923; Dec. Dig. § 918.* 5 Va.-W. Va. Enc. Dig. 17.]

3. Municipal Corporations (§ 918*)—Bonds—Submission to Popular Vote—Form of Submission.—Under Code 1904, § 1038e, subsec. 6, which provides that, on a town election to determine whether bonds shall be issued for municipal purposes, the board of trustees or town council "shall * * * have printed" ballots upon which shall be stated the "amount of bond issue," the printing of the amount is mandatory, and its omission from the ballots invalidates an election.

[Ed. Note.—For other cases, see *Municipal Corporations*, Cent. Dig. §§ 1919-1923; Dec. Dig. § 918.* 5 Va.-W. Va. Enc. Dig. 17.]

Error to Circuit Court, Tazewell County.

Action by the Town of Graham against R. B. Williamson. From a judgment for plaintiff, defendant brings error. Reversed and rendered.

R. Kent Morton, for plaintiff in error.

Sexton & Roberts, for defendant in error.

BENET et al. v. FORD et al.

March 21, 1912.

[74 S. E. 394.]

1. Judicial Sales (§ 8*)—Power of Court of Equity.—Where a court of equity orders a sale of property on the ground that a sale is absolutely necessary, and appoints commissioners to sell at auction or at a private sale, the commissioners may hold a private sale, where a public sale after due notice has failed to bring a purchaser at a satisfactory price, and where a delay will involve depreciation in

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.